

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ADVENT INTERNATIONAL  
CORPORATION,

*Petitioner,*

v.

ANDRE EL-MANN ARAZI, GONZALO  
PEDRO ROBINA IBARRA, FIBRA UNO  
ADMINISTRACION S.A. DE C.V.,

*Respondents.*

Misc. Case No.:

Underlying Action:

*Servicios Funerarios GG, S.A. de C.V. v.  
Advent International Corporation*, Case No.  
23-CV-10684-IT (D. Mass.)

**DECLARATION OF DANIEL V. WARD IN SUPPORT OF MOTION TO COMPEL**

I, Daniel V. Ward, a Partner of the law firm of Ropes & Gray LLP that represents Petitioner Advent International Corporation, n/k/a Advent International, L.P. (“AIC”), in this matter, respectfully submit this Declaration and hereby state as follows.

1. Attached hereto as **Exhibit 1** is a true and correct copy of Fibra Uno’s 2017 Prospectus, available at [https://funo.mx/site\\_media/uploads/documentos/data3731.pdf](https://funo.mx/site_media/uploads/documentos/data3731.pdf).

2. Attached hereto as **Exhibit 2** is a true and correct copy of Farient Advisor’s 2014 presentation to Fibra Uno titled *Conceptual Executive Incentive Program Design*, available at [https://funo.mx/site\\_media/uploads/documentos/data7410.pdf](https://funo.mx/site_media/uploads/documentos/data7410.pdf).

3. Attached hereto as **Exhibit 3** is a true and correct copy of a Yahoo Finance screenshot listing Fibra Uno shareholders.

4. Attached hereto as **Exhibit 4** is a true and correct copy of Silver Crest Management Group Inc. form 13F.

5. Attached hereto as **Exhibit 5** is a true and correct copy of Santander Investment Securities Inc. form X-17A-5.

6. Attached hereto as **Exhibit 6** is a true and correct copy of Merrill Lynch, Pierce, Fenner & Smith Inc. form 13F.

7. Attached hereto as **Exhibit 7** is a true and correct copy of HSBC Securities (USA) Inc. form X-17A-5.

8. Attached hereto as **Exhibit 8** is a true and correct copy of Goldman Sachs & Co. LLC form 13F.

9. Attached hereto as **Exhibit 9** is a true and correct copy of Credit Suisse Securities (USA) LLC form 13F.

10. Attached hereto as **Exhibit 10** is a true and correct copy of Fibra Uno's *FUNO Day 2014* presentation, available at [https://funo.mx/site\\_media/uploads/documentos/data406.pdf](https://funo.mx/site_media/uploads/documentos/data406.pdf).

11. Attached hereto as **Exhibit 11** is a true and correct copy of Fibra Uno's *FUNO Day 2015* presentation, available at [https://funo.mx/site\\_media/uploads/documentos/data8670.pdf](https://funo.mx/site_media/uploads/documentos/data8670.pdf).

12. Attached hereto as **Exhibit 12** is a true and correct copy of Fibra Uno's *FUNO Day 2016* presentation, available at [https://funo.mx/site\\_media/uploads/documentos/data6965.pdf](https://funo.mx/site_media/uploads/documentos/data6965.pdf).

13. Attached hereto as **Exhibit 13** is a true and correct copy of Fibra Uno's *FUNO Day 2017* presentation, available at [https://funo.mx/site\\_media/uploads/documentos/data4278.pdf](https://funo.mx/site_media/uploads/documentos/data4278.pdf).

14. Attached hereto as **Exhibit 14** is a true and correct copy of Fibra Uno's *FUNO Day 2018* presentation, available at [https://funo.mx/site\\_media/uploads/documentos/data-wv6HpoaKYF.pdf](https://funo.mx/site_media/uploads/documentos/data-wv6HpoaKYF.pdf).

15. Attached hereto as **Exhibit 15** is a true and correct copy of Fibra Uno's *FUNO Day 2019* presentation, available at [https://funo.mx/site\\_media/uploads/documentos/data-FU1FVWTKo7.pdf](https://funo.mx/site_media/uploads/documentos/data-FU1FVWTKo7.pdf).

16. Attached hereto as **Exhibit 16** is a true and correct copy of Fibra Uno's *FUNO Day 2021* presentation, available at [https://funo.mx/site\\_media/uploads/documentos/data-x4RccWWwjJ.pdf](https://funo.mx/site_media/uploads/documentos/data-x4RccWWwjJ.pdf).

17. Attached hereto as **Exhibit 17** is a true and correct copy of Fibra Uno's *FUNO Day 2022* presentation, available at [https://funo.mx/site\\_media/uploads/documentos/documento-dq72f-1668122897.pdf](https://funo.mx/site_media/uploads/documentos/documento-dq72f-1668122897.pdf).

18. Attached hereto as **Exhibit 18** is a true and correct copy of Fibra Uno's *FUNO Day 2023* presentation, available at [https://funo.mx/site\\_media/uploads/documentos/documento-i9WcW-1700193060.pdf](https://funo.mx/site_media/uploads/documentos/documento-i9WcW-1700193060.pdf).

19. Attached hereto as **Exhibit 19** is a true and correct copy of Fibra Uno's press release titled *Fibra Uno Announces Distribution Payment* dated February 05, 2016 available at [https://funo.mx/site\\_media/uploads/documentos/data8832.pdf](https://funo.mx/site_media/uploads/documentos/data8832.pdf).

20. Attached hereto as **Exhibit 20** is a true and correct copy of Fibra Uno's press release titled *Fibra Uno Announces Distribution Payment* dated February 6, 2020, available at [https://funo.mx/site\\_media/uploads/documentos/data-u96j6GjWfm.pdf](https://funo.mx/site_media/uploads/documentos/data-u96j6GjWfm.pdf).

21. Attached hereto as **Exhibit 21** is a true and correct copy of Fibra Next's Presentation, available at [https://fibranext.mx/site\\_media/docs/Roadshow-Presentation.pdf](https://fibranext.mx/site_media/docs/Roadshow-Presentation.pdf).

22. Attached hereto as **Exhibit 22** is a true and correct copy of Fibra Uno's webpage *Who We Are*, available at <https://funo.mx/company/about-funo>.

23. Attached hereto as **Exhibit 23** is a true and correct copy of Fibra Uno's webpage *Technical Committee*, available at <https://funo.mx/ESG-sustainability/corporate-governance/committees/TC>.

24. Attached hereto as **Exhibit 24** is a true and correct copy of Fibra Uno's document titled, *Information Supplement 3Q22* available at [https://funo.mx/site\\_media/uploads/documentos/documento-NIXP9-1666809241.pdf](https://funo.mx/site_media/uploads/documentos/documento-NIXP9-1666809241.pdf).

25. Attached hereto as **Exhibit 25** is a true and correct copy of Fibra Uno's presentation titled *Breakfast with the CEO*, available at [https://funo.mx/site\\_media/uploads/documentos/data-Ro9ai5mng1.pdf](https://funo.mx/site_media/uploads/documentos/data-Ro9ai5mng1.pdf).

26. Attached hereto as **Exhibit 26** is a true and correct copy of an article by the International Financial Review titled *Fibra Next Postpones IPO Amid Regulatory Snafu*, available at <https://www.ifre.com/story/4268594/fibra-next-postpones-ipo-amid-regulatory-snafu-k2lnw9ktgz>.

27. Attached hereto as **Exhibit 27** is a true and correct copy of the Stock Purchase and Sale Agreement dated December 18, 2020 between certain special purpose vehicles and SF which was jointly redacted by the parties in the underlying action before being filed.

28. Attached hereto as **Exhibit 28** is a true and correct copy of the complaint Servicios Funerarios GG, S.A. de C.V. (“SF”) filed in *Servicios Funerarios GG, S.A. de C.V. v. Advent International Corporation*, Case No. 23-CV-10684-IT (D. Mass.) (the “Massachusetts Action”).

29. Attached hereto as **Exhibit 29** is a true and correct copy of AIC’s Answer and Counterclaims filed in the Massachusetts Action.

30. Attached hereto as **Exhibit 30** is a true and correct copy of an email from Pablo Peña to Carlos Paz dated March 9, 2018.

31. Attached hereto as **Exhibit 31** is a true and correct copy of an email from Pablo Peña Vazquez to Carlos Paz, Mariana Gonzalez and Andre El-Mann dated April 6, 2018.

32. Attached hereto as **Exhibit 32** is a true and correct copy of the 2018 Non-Binding Offer.

33. Attached hereto as **Exhibit 33** is a true and correct copy of the 2019 Non-Binding Offer.

34. Attached hereto as **Exhibit 34** is a true and correct copy of an email from Pablo Peña to Carlos Peña dated June 3, 2019.

35. Attached hereto as **Exhibit 35** is a true and correct copy of SF’s responses and objections to AIC’s First Set of Interrogatories.

36. Attached hereto as **Exhibit 36** is a true and correct copy of an email from Carlos Paz to Carlos Peña dated June 19, 2019, which was produced as AIC00405560.

37. Attached hereto as **Exhibit 37** is a true and correct copy of an email from Carlos Paz to Nils Schulze-Halsberg dated June 5, 2019.

38. Attached hereto as **Exhibit 38** is a true and correct copy of an email from Carlos Nicolas Lukac Ostreche to Pablo Peña dated August 15, 2019.

39. Attached hereto as **Exhibit 39** is a true and correct copy of an email from Jhovany Alfán to Mariana Gonzalez and Pablo Gomez dated December 6, 2019. Pursuant to the Letter Motion to Seal filed herewith, Exhibit 39 has been filed under seal.

40. Attached hereto as **Exhibit 40** is a true and correct copy of an agreement concerning due diligence between Fibra Uno and Gayosso. Pursuant to the Letter Motion to Seal filed herewith, Exhibit 40 has been filed under seal.

41. Attached hereto as **Exhibit 41** is a true and correct copy of a spreadsheet titled *Team List*, which AIC has identified as responsive in this litigation and that will be produced with a Bates number shortly.

42. Attached hereto as **Exhibit 42** is a true and correct copy of SF's May 15, 2023 Answer to AIC's Counterclaims filed in the Massachusetts Action.

43. Exhibit 43 has been intentionally omitted.

44. Attached hereto as **Exhibit 44** is a true and correct copy of a translated excerpt of HERNÁN GÓMEZ BRUERA, *TRAICIÓN EN PALACIO: EL NEGOCIO DE LA JUSTICIA EN LA 4T* (Grijalbo 2023).

45. Attached hereto as **Exhibit 45** is a true and correct copy of AIC's October 4, 2023 Opposition to SF's Motion for Reconsideration.

46. Attached hereto as **Exhibit 46** is a true and correct copy of an article titled *Telra-Infonavit Case: FGR "pardons" Teofilo Zaga millions in compensation and collateral* published by Notitia Criminis on December 13, 2023, and available at <https://notitiacriminis.mx/justicia/6702/>.

47. Attached hereto as **Exhibit 47** is a true and correct copy of an article titled *Investigation against Fibra Uno owners reopened* published by Reforma on September 26, 2023, and available at <https://www.reforma.com/ordenan-reabrir-investigacion-contra-duenos-de-fibra-uno/ar2682366>.

48. Attached hereto as **Exhibit 48** is a true and correct copy of the Mexican National Banking and Securities Commission (*Comision Nacional Bancaria y de Valores*) opinion dated January 25, 2021.

49. Attached hereto as **Exhibit 49** is a true and correct copy of the court's November 7, 2023 order on AIC's August 23, 2023 motion to compel.

50. Attached hereto as **Exhibit 50** is a true and correct copy of SF and AIC's June 23, 2023 Memorandum of Law in Support of Joint Motion for the Issuance of Letters Rogatory Pursuant to the Hague Evidence Convention.

51. Attached hereto as **Exhibit 51** is a true and correct copy of the Court's June 30, 2023 order on SF and AIC's Joint Motion for the Issuance of Letters Rogatory Pursuant to the Hague Convention.

52. Attached hereto as **Exhibit 52** is a true and correct copy of the Affidavits of Service of Vincent C. Mannelta and Baldeo C. Drepaul.

53. Attached hereto as **Exhibit 53** is a true and correct copy of the Declaration of Vincent C. Mannelta.

54. Attached hereto as **Exhibit 54** is a true and correct copy of the Declaration of Adriana Bartolotta.

55. Attached hereto as **Exhibit 55** is a true and correct copy of AIC's subpoena *duces tecum* served on Andre El-Mann on November 14, 2023.

56. Attached hereto as **Exhibit 56** is a true and correct copy of the subpoena *ad testificandum* served on Andre El-Mann on November 14, 2023.

57. Attached hereto as **Exhibit 57** is a true and correct copy of the subpoena *duces tecum* served on Fibra Uno on November 14, 2023.

58. Attached hereto as **Exhibit 58** is a true and correct copy of the subpoena *ad testificandum* served on Fibra Uno on November 14, 2023.

59. Attached hereto as **Exhibit 59** is a true and correct copy of the subpoena *duces tecum* served on Mr. Robina on November 15, 2023.

60. Attached hereto as **Exhibit 60** is a true and correct copy of the subpoena *ad testificandum* served on Mr. Robina on November 15, 2023.

61. Attached hereto as **Exhibit 61** is a true and correct copy of Mr. El-Mann's responses and objections to AIC's subpoena *duces tecum*.



62. Attached hereto as **Exhibit 62** is a true and correct copy of Mr. El-Mann's responses and objections to AIC's subpoena *ad testificandum*.

63. Attached hereto as **Exhibit 63** is a true and correct copy of Fibra Uno's responses and objections to AIC's subpoena *duces tecum*.

64. Attached hereto as **Exhibit 64** is a true and correct copy of Fibra Uno's responses and objections to AIC's subpoena *ad testificandum*.

65. Attached hereto as **Exhibit 65** is a true and correct copy of Mr. Robina's responses and objections to AIC's subpoena *duces tecum*.

66. Attached hereto as **Exhibit 66** is a true and correct copy of Mr. Robina's responses and objections to AIC's subpoena *ad testificandum*.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: January 10, 2024

/s/ Daniel V. Ward  
Daniel V. Ward